

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: TIMOTHY L. COLLINS
JENNIFER L. COLLINS

Case No. 20-31731
Hon. JOEL D. APPLEBAUM
CHAPTER 13

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**DEBTORS' OBJECTION TO THE PROOF OF CLAIM OF MICHIGAN
DEPARTMENT OF TREASURY (CLAIMS REGISTER #18)**

Now comes the Debtors, Timothy L. Collins and Jennifer L. Collins, by and through attorney, Jesse R. Sweeney, and hereby brings this Objection to the Proof of Claim filed by the Michigan Department of Treasury (Claims Register #18) and states as follows:

1. That the Debtors in this case filed for protection under Chapter 13 of the Bankruptcy Code on October 16, 2020;
2. That on February 17, 2021, the Michigan Department of Treasury filed their original Proof of Claim (Claims Register #18) with this Honorable Court listing a claim in the amount of \$7,982.91;
3. That the Proof of Claim states that the balanced owed by Debtor, Timothy Collins, is unfiled returns for sales tax.
4. That Debtor has properly filed his 2017 State of Michigan returns and the balance showing due and owing is the effect of a business that Mr. Collins attempted to start but was never able to get it off the ground. He never made any income nor ever had a single transaction. He has been working directly with the Treasury department to resolve this matter;

WHEREFORE, Debtors requests the following:

1. That Debtors request that the Proof of Claim of the Michigan Department of Treasury be reduced to a priority claim amount of \$0.00 and deem all returns filed;
2. In the alternative, Debtors' counsel requests what information needs to be provided or how the returns need to be amended to resolve any and all outstanding issues with the State of Michigan.

WHEREFORE the Debtors respectfully request this Honorable Court sustain Debtors' Objection to the Proof of Claim filed by the Michigan Department of Treasury (Claims Register #18) and grant whatever other relief this Court deems equitable and just.

Respectfully Submitted,

DATE: February 24, 2021

/s/Jesse R. Sweeney

Jesse R. Sweeney (P60941)
Sweeney Law Offices, P.L.L.C.
Attorney for Debtor
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**ORDER SUSTAINING DEBTORS' OBJECTION TO THE PROOF OF
CLAIM OF MICHIGAN DEPARTMENT OF TREASURY (CLAIMS
REGISTER #18)**

Upon the reading and filing of Attorney for Debtors, JESSE R. SWEENEY's Objection to Proof of Claim, and no responses having been filed to the said Objection, and no appearances on the date and time of the hearing:

IT IS HEREBY ORDERED:

1. That Debtors request that the Proof of Claim of the Michigan Department of Treasury be reduced to a priority claim amount of \$0.00 and all returns are deemed filed;
2. That, if applicable, the Chapter 13 Trustee shall not be required to return or recoup any funds already remitted to this creditor.

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**NOTICE OF OBJECTION TO THE PROOF OF CLAIM OF MICHIGAN
DEPARTMENT OF TREASURY (CLAIMS REGISTER #18)**

JESSE R. SWEENEY, Attorney for Debtors, has filed papers with the Court objecting to a Proof of Claim.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

PLEASE TAKE NOTICE that the attached Objection is scheduled to be heard on **April 20, 2021 at 10:00 a.m.** by the **Honorable Joel D. Applebaum located at United States Bankruptcy Court, 226 West Second Street, Flint, MI 48502**, or as soon thereafter as counsel may be heard.

If you do not want the Court to award the requested relief, or if you want the court to consider your views on the Objection, on or before 7 days prior to the hearing date above, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court, 211 West Fort Street, Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also send a copy to:

Sweeney Law Offices, Attorney for Debtor(s), 25140 Lahser Rd., Ste. 252-B, Southfield, MI 48033

Chapter 13 Trustee, Carl Bekofske, 400 N. Saginaw Street, Suite 331, Flint MI 48502

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection, and may enter an order granting that relief.

Dated: February 25, 2021

/s/ Jesse R. Sweeney

Jesse R. Sweeney (P60941)

Sweeney Law Offices, P.L.L.C.

Attorney for Debtor

25140 Lahser Road, Suite 252B

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CERTIFICATE OF SERVICE

The undersigned declares that on February 25, 2021, he served copies of the Debtors Objection to PROOF OF CLAIM OF MICHIGAN DEPARTMENT OF TREASURY (CLAIMS REGISTER #18) and the Notice of Objection to the PROOF OF CLAIM OF MICHIGAN DEPARTMENT OF TREASURY (CLAIMS REGISTER #18) either electronically or by depositing the same in the United States Mail, postage fully prepaid, and addressed as follows:

Michigan Department of Treasury
Bankruptcy Unit
PO Box 30168
Lansing, MI 48909

Michigan Department of Treasury/Revenue/AG
PO Box 30456
Lansing, MI 48909

Dated: February 25, 2021

/s/ Jesse R. Sweeney
Jesse R. Sweeney (P60941)
Sweeney Law Offices, P.L.L.C.
Attorney for Debtor
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